FARAD CONTINUATION SHEET NO.
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1396 OF 2004

| Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Mr.S.S.Pednekar, APP. for the State.

**CORAM : R.S. MOHITE,J.**
**DATED : 09/1/2006.**

**P.C.**

1. This is an appeal filed by the State impugning a judgment and order dated 17.8.2004 passed by the 4th Adhoc Asstt. Sessions Judge, Solapur acquitting the accused for offence punishable under Section 3(i)(X) read with Section 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 and under Section 7(1)(d) read with Section 10 of the Protection of Civil Rights Act as well as under Section 341,323, 504, 506 read with 34 of the I.P.C. It is seen from the impugned judgment and order that cogent and acceptable reasons are given for acquitting the accused. There is material variance between the F.I.R.

filed by the complainant and his evidence in the court. In the F.I.R. he has stated that he went towards the village but in his evidence he stated that he went towards the Maruti temple when the Maruti temple is in the opposite direction. It is the prosecution case that the accused persons dragged the complainant upto boundary of the village and then tied him to the neam tree, but there is no medical evidence on record. According to the complainant one Mr. Babasaheb Gaikwad and Dharamraj Badale rescued him from the clutches of the accused. Both these witnesses have been examined. They have introduced one person by name Rajendra Ranmal in the rescue. One of the alleged eye witness P.W.No.3 Babasaheb Gaikwad was also prosecuted on the basis of the complaint by accused. In the circumstances, not a fit case to interfere in the impugned judgment and order. Hence, leave refused. Consequently the appeal stands

dismissed.

**(R. S. MOHITE, J.)**